

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DAVID BRIAN MORGAN,)
)
Petitioner,)
)
-vs-) Case No. CIV-19-0171-F
)
STATE OF OKLAHOMA, and)
FEDERAL BUREAU OF PRISONS,)
)
Respondents.)

ORDER

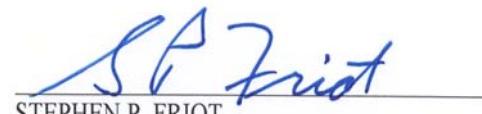
Petitioner David Brian Morgan purports to bring this action on behalf of the United States, seeking his own removal from state custody and seeking to be released from his state sentence. A Report and Recommendation by Magistrate Judge Bernard M. Jones (the Report, doc. no. 7) recommends that this court construe the amended petition as arising under 28 U.S.C. § 2254 and find that this is a second or successive action which should be summarily dismissed without prejudice. The Report further advises that any objection to the Report was due by June 5, 2019, and that failure to make timely objection waives the right to appellate review of the factual and legal issues addressed in the Report. No objection has been filed to the Report, nor has petitioner requested an extension of time within which to object.

Petitioner appears *pro se* and his pleadings are liberally construed.

After review, and with no objection having been filed, the court finds and concludes that it agrees with the recommendations in the detailed Report and that no purpose would be served by any further discussion here. Accordingly, the Report is **ACCEPTED, ADOPTED and AFFIRMED**. As recommended in the Report, the

court construes the amended petition as arising under 28 U.S.C. § 2254 and concludes that this is a second or successive action over which this court does not have jurisdiction. As recommended in the Report, this action is summarily **DISMISSED** without prejudice. Petitioner has not made the requisite showing for a certificate of appealability, and a COA is **DENIED**.

IT IS SO ORDERED this 25th day of June, 2019.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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